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January 2, 2003

VIA ELECTRONIC SUBMISSION

Marlene H. Dortch, Secretary
Federal Communications Commission
The Portals
445 - 12th Street, SW
Washington, D.C. 20554

Re: Notice of Ex Parte Meeting by Broadview Networks, Talk America,
and Eschelon Telecom, et al.
CC Docket Nos. 01-338, 96-98 and 98-147

Dear Ms. Dortch:

Pursuant to Sections 1.1206(a)(2) of the Commission's Rules we hereby submit, on behalf of Broadview Networks, Talk America, and Eschelon Telecom et al, in the above-captioned docketed proceedings, this notice of an *ex parte* meeting held on January 2, 2003 with Commissioner Adelstein and Lisa Zaina, Senior Legal Advisor to Commissioner Adelstein, of the Federal Communications Commission. The attached presentation was distributed at the meeting and provides further detail to our discussion of the proposed UNE-P to UNE-L Migration Plan. In attendance at the meeting were myself; Gabe Battista, Chairman and CEO of Talk America; Vern Kennedy, CEO and President of Broadview Networks; and Brad Mutschelknaus, Partner, Kelley Drye & Warren LLP.

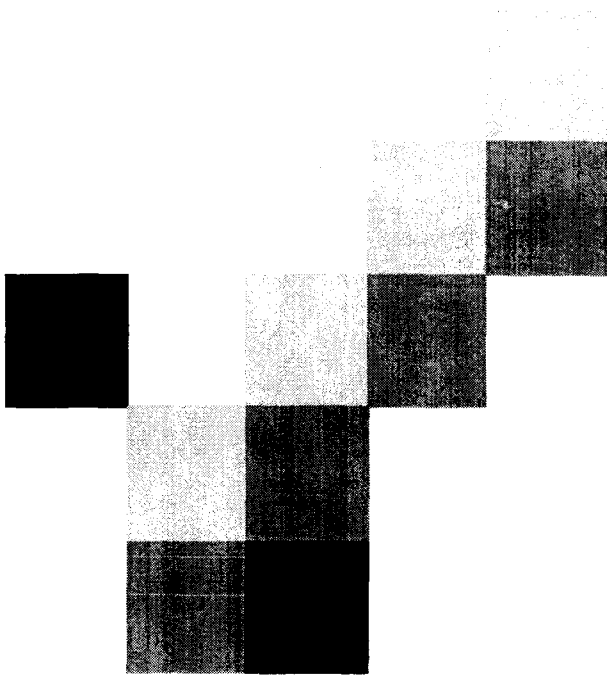
In accordance with the Commission's rules, this letter (with attachment) is being filed electronically for inclusion in the public record of the above-referenced proceedings. Copies of this submission are being provided to Commissioner Adelstein and Ms. Zaina. Please direct any questions regarding this matter to the undersigned.

Respectfully submitted,

Heather B. Gold

Attachment

Cc: Commissioner Adelstein
Lisa Zaina
Qualex International



UNE-P to UNE-L Migration Plan (UMP) The Path To Facilities-Based Competition In Mass Markets

Gabe Battista: Chairman and CEO - Talk America
Vern Kennedy: CEO and President - Broadview Networks

Supported by:

AmeriMex Communications

Eschelon Telecom

Ionex

Spectrotel

AccessOne

eXpeTel

Midwest Telecom of America

Vycera Communications



FCC Triennial Review of TA '96

- **FCC seeking solution which balances the diverse interests of the Courts, state PUCs, consumers, ILECs, and CLECs**
- **Broadview Networks, Eschelon, Talk America et al have proposed a four step compromise plan which requires ILECs and CLECs to migrate UNE-P lines to UNE-L in a manner that does not unreasonably impede CLEC market entry**
- **The UNE-P to UNE-L Migration Plan (UMP), requires ILECs to create reliable processes for hot cutting UNE-P lines *and* directs state PUCs to require UNE-P to UNE-L migration once CLECs exceed prescribed line densities**

Step 1: ILEC Must Eliminate Impairment From Hot Cut Process

- **ILECs to develop, implement, and then have certified a loop migration process in each state. Such process must be:**
 - timely, efficient, just, reasonable and nondiscriminatory as well as non-disruptive and transparent to the end user at cost-effective and cost-based rates;
 - capable of migrating UNE-P to UNE-L in monthly volumes equal to UNE-P monthly turn ups;
 - capable of migrating single UNE-P to UNE-L orders within existing state intervals and;
 - able to process orders with an error rate of less than 1%.

Step 2: CLECs Must Acquire Sufficient Customer Density to Justify Facilities Investment

- **Once ILEC has implemented a satisfactory migration process, it can petition state to determine:**
 - minimum number of lines needed by a CLEC within a LATA to justify switch deployment and
 - minimum number of lines needed by a CLEC in an end office to justify collocation deployment and;
 - minimum number of collocations meeting line requirements ;
 - in performing analysis the states should consider the following, but not limited to, input costs:
 - TELRIC rates for local loops and interoffice facilities
 - Rates for collocation
 - Switch installation and collocation establishment costs
 - Migration costs to UNE-L



Step 3: CLECs Need Time to Build Facilities

- **Initial migration:** Once a CLEC has reached requisite line density in a LATA to justify a switch and sufficient line density in end offices to justify collocation, the CLEC will have at least 18 months to migrate lines above the requisite numbers to its own facilities. Such initial migration will be processed at no charge.
- **Subsequent migrations:** Upon a CLEC obtaining the requisite line density in subsequent end offices in the LATA, the CLEC will have at least 6 months to establish collocation and migrate lines above the requisite to its own facilities.



Step 4: CLECs Must be Able to Continue to Acquire Customers via UNE-P.

- **Pending implementation of an electronic loop provisioning process, CLECS must be able to continue to acquire customers via UNE-P:**
 - in order to accumulate sufficient numbers of lines to justify batch line migration processing in both new central offices and existing collocations and;
 - for geographic ubiquity in central offices without collocation and to serve customers for whom UNE-L facilities are not immediately available (i.e. DLC and rural (zone 3) end offices)



UMP is a Win-Win, Lose-Lose for All

- ILECs need to remove hot cut impairment
- CLECs must deploy facilities
- FCC needs to set national guidelines
- States must implement migration rules

Result: Rational, economic investment in facilities-based competition for all consumers